

**Town of Webster**  
**Road Acceptance Policy**  
**Procedures for Changing a Class VI Road to a Class V Road**  
**As Part of a Subdivision or Site Plan Approval**

This procedure is intended to provide an applicant for subdivision or site plan approval, the Planning Board, and the Select Board with a uniform procedure when a request to reclassify a class VI road as class V is presented to the Select Board and the Planning Board for the purpose of providing access to a proposed development. This procedure is not intended to limit the factors either Board may deem relevant to the review of such a request.

The adoption of this procedure or an applicant's compliance with its requirements does not guarantee the approval of a Planning Board application or the layout of a road by the Select Board. Similarly, approval of the request by one Board does not obligate the other to approve the request.

The following procedures are to be taken in the chronological order provided:

**1. Planning Board**

The applicant applies to the Planning Board for "Design Review" for the proposed Site Plan/Subdivision, as provided in RSA 676:4, II (b). The submission requirements for Design Review are outlined in the Subdivision and Site Plan Review Regulations.

After the Design Review meeting with the Planning Board, the Planning Board will provide a memo to the Applicant outlining any concerns, issues, questions, or comments the Planning Board raised at the meeting that should be addressed by the Applicant. The Planning Board will forward a copy of the memo to the Select Board, Police Department, Fire Department, Road Agent and the Conservation Commission for their information.

**2. Select Board**

The Applicant petitions the Select Board to layout a class V road over the existing class VI road pursuant to RSA 231 and RSA 231:28. (If approved, the layout will have the effect of reclassifying the road as class V).

The application must include the following information:

- I) Names and addresses of landowners, including those owners listed under RSA 231:10 (tenants for life or years, remaindermen, reversioners, and holders of undischarged mortgages of record whose mortgages are dated not earlier than 20 years prior to the date of filing the petition) who abut the section of the class VI road to be upgraded, names and addresses of the owners of property that is accessed by the

- class VI road and proof of a title search of those properties abutting the portion of Class VI road to be upgraded;
- 2) Fees for abutter notification, newspaper public hearing notification, Town legal review of material, and engineering review of material;
  - 3) Plans (3 copies for the Board and 1 copy for each abutter) prepared by a licensed engineer, surveyor, and/or wetlands scientist showing:
    - a. Location of the property and abutting properties,
    - b. Location of wetlands, steep slopes, waterbodies, conservation land, and stone walls along and abutting the property and class VI road,
    - c. Layout and design of the road that meets the requirements of the Subdivision Regulations;
  - 4) Drainage study and calculations (2 copies) regarding the class VI road;
  - 5) Copies of any legal agreements with abutting landowners if additional ROW is required for the design of the road to Town standards, if applicable, to include the book and page on which any easement is recorded;
  - 6) Explanation of why there is an "occasion" to layout the class V road;
  - 7) Other material that is relevant to the proposal;
  - 8) The Select Board may require additional information upon review of the application.

Upon receipt of the application, the Select Board will send the material to the Police Department, Fire Department, Road Agent, Conservation Commission, and the Town Counsel (if appropriate) for review and comment. These entities will have 30 days from the date of receipt in which to provide written comment back to the Select Board of their issues, concerns, and/or comments. Providing this information does not preclude any of the Boards, Commissions, or Departments from further participation before either Board.

Within 60 days of receiving the layout petition, the Select Board shall hold a public hearing. Notice will be provided to all owners of property abutting or served by the class VI road at least thirty (30) days prior to the public hearing pursuant to RSA 231:10.

As part of the public hearing, a site walk of the proposed layout will be conducted. At the public hearing, the Applicant shall present details of the proposed construction, reconstruction or repairs, and provide information as to the estimated costs. All such costs are to be borne by the Applicant.

Within 60 days after the scheduled public hearing the Select Board shall make a determination as to whether to grant the petition subject to conditions of approval or deny the petition. All approvals shall be subject to the following conditions, in addition to any others imposed by the Select Board:

- 1) The town shall not incur any costs associated with upgrading the road to class V construction standards.

- 2) The layout shall not become final until:
  - (a) the Road Agent or his designee has determined that the road has been designed to the town's class V road construction standards,
  - (b) the subdivision/site plan plat has been signed by the Planning Board and recorded at the Merrimack County Registry of Deeds, and
  - (c) following a public hearing, the Select Board determine all conditions of approval have been met.
- 3) The Applicant shall be liable for all attorney's fees, costs and damages for which the Town may become liable to third parties as a result of the layout.

A written copy of the Select Board's decision will be provided to the applicant and the Planning Board.

### **3. Planning Board**

The Applicant files the application for Site Plan or Subdivision Review with the Planning Board, in accordance with the Planning Board's regulations and schedules. The application must include the Select Board's decision approving the layout, including the approved layout configuration.

The Planning Board will follow their adopted rules, regulations, and procedures for Site Plan/Subdivision applications and either approve, approve with conditions, or deny the application. Any conditions imposed by the Select Board as a requirement of the layout shall be included in the Conditions for Planning Board approval.

The Planning Board reviewing a subdivision plat or site plan may require the applicant to reimburse the board for expenses reasonably incurred by obtaining third party review and consultation during the review process. RSA 676:4-b.

### **4. Select Board**

The applicant shall provide the Select Board with acceptable evidence that the conditions of the Select Board's approval of the application to layout the class V road have been met. The Select Board shall hold a public hearing prior to determining whether the conditions have been met.

Within 20 days of determining to grant the application and lay out a class V road over a class VI road, the Select Board shall file a return of layout with the Town Clerk pursuant to RSA 231:16.

**Town of Webster  
Office of Select Board  
945 Battle Street  
Webster, NH 03303  
Final Select Board Work Session Minutes – May 28, 2019  
Approved June 4, 2019**

Present: Nanci Schofield, Christine Schadler, Bianca Acebron Peco and Leslie Palmer

Chairwoman Schofield opened the Select Board Work Session at 10:30 AM.

The Select Board discussed the purpose and events surrounding the Select Board Emergency Meeting called on May 15, 2019 as well as the Non-Public Session of May 20, 2019. When discussion turned to the Non-Public Session, Town Administrator Palmer cautioned that the minutes of that session were sealed. The Select Board voted to enter into Non-Public Session to continue its discussion.

At 10:55 AM, Chairwoman Schofield moved to enter into Non-Public Session under RSA 91-A:3, II (c) to discuss matters which, if discussed in public, would likely affect adversely the reputation of any person..." Selectwoman Acebron Peco seconded the motion. Roll call was taken – Chairwoman Schofield – yes, Selectwoman Schadler – yes, Selectwoman Acebron Peco – yes.

At 12:10 PM, Selectwoman Schadler moved to come out of Non-Public Session. Selectwoman Acebron Peco seconded the motion. All in favor, the motion was approved.

Selectwoman Acebron Peco moved to seal the Non-Public session minutes. Selectwoman Schadler seconded the motion. Roll call was taken – Chairwoman Schofield – yes, Selectwoman Schadler – yes, Selectwoman Acebron Peco – yes.

The Select Board signed a Letter of Agreement between the Town of Webster and the Central NH Regional Planning Commission which defines the technical assistance the Commission will provide to the Planning Board in its update of Webster's Subdivision Regulations.

The Select Board approved the Road Acceptance Policy.

**Board Motion:** Chairwoman Schofield moved to approve the Road Acceptance Policy which provides an applicant for subdivision or site plan approval, the Planning Board, and the Select Board with a uniform procedure when a request to reclassify a class VI road as class V is presented to the Select Board and the Planning Board for the purpose of providing access to a proposed development. Selectwoman Schadler seconded the motion. All in favor, the motion was approved.

At 12:30 PM, Selectwoman Schadler made a motion to adjourn. Chairwoman Schofield seconded the motion. All in favor, the motion was approved.

*Respectfully Submitted,*

*Leslie M. Palmer*